IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 13TH JULY 2006 / 22ND ASHADHA,1928

Bail Appl..No. 4164 of 2006

ST.327/2005 of J.M.F.C.,ALATHUR

.....

PETITIONERS/ACCUSED

K.A.THOMAS,
SUB INSPECTOR OF POLICE,
VADAKKANCHERRY POLICE STATION,
ALATHUR.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4164/2006

DATED THIS THE 13TH DAY OF JULY, 2006

O R D E R

The petitioner is a retired police person and he is accused of an offence punishable under Section 294 (b). He appeared before the court below, on 28.9.2005 and he was granted bail. Thereafter, after framing the charge against him, he was absent on a particular date, when the case was posted. Because of the repeated number of absence of the accused, in S.T.No.327/2005 of Judicial Magistrate of First Class, Alathur, the learned Magistrate issued a non bailable warrant against the petitioner. Hence the petitioner is before this Court, under Section 438 Cr.P.C., praying that the arrest may be averted.

2. After hearing the learned Public Prosecutor and the learned counsel, I direct the petitioner to surrender before the Judicial Magistrate of First Class, Alathur, on 21.7.2006 at 11.00 a.m., and move an application for bail. The learned Magistrate shall allow him to be on bail, for

the rest of the proceedings, on imposing such conditions, which are deemed necessary by the Magistrate, so that the petitioner would be available on all posting dates and the Magistrate is able to dispose of the same, at the earliest.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs